

FIFTY-FIFTH LEGISLATURE
SECOND SESSION, 2022

SB 198/a

February 12, 2022

Mr. President:

Your **TAX, BUSINESS AND TRANSPORTATION COMMITTEE**, to whom has been referred

SENATE BILL 198

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On pages 121 through 124, strike Section 62 in its entirety and insert in lieu thereof the following new section:

"SECTION 62. Section 65-2A-36 NMSA 1978 (being Laws 2003, Chapter 359, Section 36, as amended by Laws 2013, Chapter 73, Section 30 and by Laws 2013, Chapter 77, Section 30) is amended to read:

"65-2A-36. FEES.--

A. The [~~commission~~] department shall [~~charge and collect the following~~] establish in rule reasonable fees:

(1) for filing an application for a certificate or an application for an amendment of a certificate, or for any protest or permissive intervention in regard to such application; [~~two hundred fifty dollars (\$250);~~

~~(2) for filing an application for a permit or an application for amendment of a permit, or for any protest or permissive intervention in regard to such application two hundred fifty dollars (\$250);~~

~~(3)] (2) for filing an application for a warrant; [twenty-five dollars (\$25.00);~~

~~(4)] (3) for filing an application or motion for temporary authority; [one hundred dollars (\$100);~~

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~~(5)~~ (4) for filing an application for a change in a tariff for a tariffed service carrier; [~~two hundred dollars (\$200)~~];

~~(6)~~ (5) for filing an application for lease or transfer of a certificate or permit, or for any protest or permissive intervention in regard to such application; [~~two hundred dollars (\$200)~~];

~~(7)~~ (6) for filing an application for reinstatement of a certificate or permit following voluntary or involuntary suspension; [~~one hundred dollars (\$100)~~];

~~(8)~~ (7) for filing an application for voluntary suspension of a certificate or permit; [~~fifteen dollars (\$15.00)~~];

~~(9)~~ (8) for filing an application for a single trip ticket; [~~five dollars (\$5.00) per vehicle per trip~~];

~~(10)~~ (9) for filing a change in the legal name of any holder of an operating authority, or a change of business trade name or the addition or deletion of a business trade name of any holder or lessee of an operating authority; [~~ten dollars (\$10.00)~~];

~~(11)~~ (10) for filing an equipment lease, [~~five dollars (\$5.00)~~] per vehicle leased;

~~(12)~~ (11) for a miscellaneous filing, [~~five dollars (\$5.00)~~] per document;

~~(13)~~ (12) for certifying copies of a record, order or operating authority, the charge per page provided by law for governmental agencies;

~~(14)~~ (13) for copies of written [~~commission~~] department documents or records, the charge per page provided by law for governmental agencies, in addition to any applicable

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certification charge; and

~~[(15)]~~ (14) for copies of other ~~[commission]~~ department records, including electronic media, an amount set by the ~~[commission]~~ department, in addition to any applicable certification charge.

B. The fees established by the department pursuant to Subsection A of this section shall not exceed the actual cost of processing the application or providing the administrative service.

~~[B.]~~ C. The secretary of state shall charge and collect a fee of four dollars (\$4.00) for each process from a court served upon the secretary of state as the designated agent for service of process by operation of law.

~~[G.]~~ D. The "motor transportation fee fund" is created in the state treasury. The ~~[commission]~~ department shall collect all fees at the time an application is filed or service is provided, and shall remit them to the state treasurer, who shall deposit them in the fund. At the end of each month, the state treasurer shall transfer the unencumbered balance in the fund to the state road fund.

~~[D.]~~ E. If a fee has been erroneously paid, the person having paid the fee may apply for a refund in writing to the ~~[commission]~~ department no later than sixty days after the erroneous payment. Upon approval of the application by the ~~[commission]~~ department, the amount erroneously paid shall be refunded from the motor transportation fee fund to the person who made the payment.

~~[E.]~~ F. An application shall be fully completed within sixty days or the fee submitted with the application shall be forfeited to the state. If the applicant renews the application, the applicant shall pay the applicable fee."",.

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and thence referred to the **FINANCE COMMITTEE.**

Respectfully submitted,

BENNY SHENDO JR., CHAIR

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 2 Against

Yes: 6

No: Brandt, Kernan

Excused: Sanchez, Shendo

Absent: None

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